

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ASSENTED TO MOTION TO CONTINUE SENTENCING DATE

NOW COMES the Defendant Joan Ruggiero, by and through undersigned counsel and respectfully requests this Court extend the deadline for responding to the Pre-Sentence Investigation Report until September 15, 2015 and continue the sentencing date from September 15, 2015 to November 4 or 5, 2015 or another date thereafter which is convenient for the Court. As reasons therefore, the Defendant states as follows:

1. Joan Ruggiero has pled guilty to one count of conspiracy to commit wire fraud in violation of 18 U.S.C. §§ 371 &1343, and the matter is currently scheduled for sentencing in this Court on September 15, 2015;

2. The Pre-Sentence Investigation Report was published to counsel and the defendant on August 11, 2015 and counsel for the defendant was advised that the defendant's response and any objection(s) were due to the Probation Department on August 25, 2015:

3. The Pre-Sentence Report contains charts of losses prepared by the government regarding real estate transactions which include eight (8) properties for charged

conduct and thirty-six (36) properties included as relevant conduct. The 24 level Offense Level calculation and upward adjustments are based upon both charged and relevant conduct, which the defendant disputes. Based upon the government's version, the loss attributed to this defendant is in excess of \$7.4 Million Dollars and the proceeds paid to her exceed \$1 Million Dollars;

4. The Plea Agreement contains a provision at paragraph 3(ii) that "in accordance with USSG Section 2B1.1(b)(1)(I) Defendant's offense level is increased by 16 levels, because the loss is greater than \$1 million; *the U.S. Attorney will argue that Defendant's offense level is increased by 18 levels , pursuant to USSG Section 2B1.1(b)(1)(J), because the loss is greater than \$2.5 million, and the Defendant reserves the right to oppose any such argument* (emphasis added);

5. On August 13, 2015, counsel contacted the Probation Officer in order to ascertain copies of the underlying documentation for calculating loss and was advised that the Probation Department does not have any underlying documentation;

6. On August 13, 2015, counsel also contacted AUSA Eric P. Christofferson to obtain a copy of the underlying documentation. Counsel was informed that both AUSA Christofferson and the case agent are on vacation until late August and are unable to provide the information before the defendant's response and objections to the Pre-Sentence report are due.

7. As additional reason for the request, the defendant is a 79-year-old lymphoma and throat cancer survivor and requests the continuance of the sentencing date as she has previously scheduled semi-annual follow-up medical appointments with both her primary care physician and oncologist on October 20, 2015 (scheduled six months earlier);

8. The Assistant United States Attorney in this matter, Eric P. Christofferson, expressly assents to this motion.

JOAN RUGGIERO

By her attorney,

/s/Raymond Sayeg
Raymond Sayeg, Esq.
Krattenmaker O'Connor & Ingber
P.C.
One McKinley Square, 5th Floor
Boston, MA 02109
(617) 523-1010
(BBO NO. 555437)

Dated: August 19, 2015

CERTIFICATE OF SERVICE

I, Raymond Sayeg, hereby certify that a copy of this document will be sent to counsel for the United States via electronic mail.

Dated: August 19, 2015

/s/Raymond Sayeg
Raymond Sayeg